

very Right of the Cause doth require, whereby the Parties are constrained either utterly to lose their Right, or else after long Time and great Trouble and Expences, to renew again their Suits; (2) For Remedy thereof, Be it enacted by the Queen's most excellent Majesty, the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That from henceforth, after Demurrer joined and entred in any Action or Suit in any Court of Record within this Realm, the Judges shall proceed and give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without regarding any Imperfection, Defect or Want of Form in any Writ, Return, Plaint, Declaration, or other Pleading, Process or Course of Proceeding whatsoever, except those only which the Party demurring shall specially and particularly set down and express together with his Demurrer; (3) and that no Judgment to be given shall be reversed by any Writ of Error, for any such Imperfection, Defect, or Want of Form, as is aforesaid, except such only as is before excepted.

* II. And be it further enacted, That after Demurrers **421** joined and entred, the Court where the same shall be, shall and may by virtue of this Act from Time to Time amend all and every such Imperfections, Defects, and Wants of Form, as is before-mentioned, other than those only which the Party demurring shall specially and particularly express and set down together with his Demurrer, as is aforesaid.

III. Provided always, and be it further enacted by the Authority aforesaid, That this Act, or any Thing therein contained, shall not extend to any Writ, Declaration, or Suit of Appeal of Felony or Murder, (2) nor to any Indictment or Presentment of Felony, Murder, Treason, or other Matter, nor to any Process upon any of them, (3) nor to any Writ, Bill, Action or Information upon any popular or penal Statute; any Thing aforesaid to the contrary notwithstanding. *This Act extended to Writs of Mandamus, &c., by 9 Annæ, c. 20, sect. 7.*

I. Enforced by 4 Annæ, c. 16. After Demurrer joined and entred, Judgment shall be given, notwithstanding any Defect in Process or Pleading. What Defects in Form shall be amended by the Court, and what not. 1 Leonard, 44, 80, 193, 238. 1 Anders. 168, 172. The Party demurring shall set down the Causes. 1 Leond. 311. Hob. 232. Hutt. 15. Moor. 885.